



City of Broken Arrow

Request for Action

File #: 17-2594, **Version:** 1

Broken Arrow Planning Commission
09-14-2017

To: Chairman and Commission Members
From: Development Services Department
Title: Public hearing, consideration, and possible action regarding BAZ-1984 (rezoning), Estates at Lynn Lane, 68.00 acres, R-2 to RS-3, and abrogation of BAZ-1786, one-quarter to one-half mile north of New Orleans Street, east of 9th Street

Background:

Applicant: Lou Reynolds, Eller & Detrich
Owner: John A. Davis, Memorial Drive, LLC, et al.
Developer: Memorial Drive LLC, et al.
Engineer: NA
Location: One-quarter to one-half mile of New Orleans, east of 9th Street
Size of Tract 68.00 acres
Number of Lots: 2
Present Zoning: R-2 (BAZ-901)
Comp Plan: Level 2

BAZ 1984 is a request to rezone 68.00 acres from R-2 (Single-Family Residential) to RS-3 (Single-Family Residential). This undeveloped and unplatted property is located one-quarter to one-half mile north of New Orleans, east of 9th Street. The property was annexed into the City on April 18, 1983 (Ordinance No. 1097). Applicant proposes to construct a single-family detached residential subdivision on the property.

Since this property was annexed in 1983, there have been three rezoning requests (BAZ 901, BAZ 961, and BAZ 1786), a PUD request (PUD 38), and a decree by District Court (Case No. C-83-3081). On April 12, 1983, an application (BAZ 901) was made to change the zoning on the property associated with BAZ 1984 from A-1 to R-3. The Planning Commission reviewed this application on May 12, 1983, and recommended denial of R-3 zoning, but recommended approval of R-2 zoning. On May 16, 1983, the City Council further modified the request and approved R-1 zoning designation only. Ordinance 1105, which changed the zoning on the property from A-1 to R-1, was approved by the City Council on June 6, 1983.

On July 14, 1983, a Planned Unit Development (PUD-38), Silver Ridge Park, was submitted to accommodate approximately 202 single-family units and a 13.30-acre open space for the area associated with BAZ 901. With PUD 38, the underlying zoning was requested to be R-1. The Planning Commission recommended approval of PUD 38 with several conditions; however, the City Council denied this request in their meeting of July 18, 1983. The applicant appealed this decision, but on September 6, 1983, the City Council denied the appeal.

On February 27, 1984, an application (BAZ 961) was filed to change the zoning on the property from R-1 to R-2. This rezoning request was reviewed and denied by the Planning Commission on March 22, 1984.

In the Staff report for BAZ 961, it was noted that a law suit had been filed against the City of Broken Arrow regarding the denial of R-2 zoning and PUD 38. The hearing was scheduled to occur on April 12, 1984.

In District Court, it was ruled with Case No. C-83-3081 that the zoning on the property should be R-2. On July 16, 1984, the City Council approved Ordinance 1257 to change the zoning on the property from R-1 to R-2.

On October 8, 2007, an application (BAZ 1786) was made to change the zoning on the property from R-2 to RS-2. This application was approved by the City Council on December 3, 2007, subject to the property being platted. The property has not been platted. As a result, the zoning remains R-2.

According to the FEMA maps, a portion of the subsection property is located in the 100-year floodplain of the West Branch of Broken Arrow Creek. There is a pond and a drainage channel that passes through the southwest corner of the property.

Surrounding land uses and zoning classifications include the following:

| | | |
|--------|---------------|---|
| North: | PUD 135A/R-2 | Washington Lane II and Washington Lane III additions |
| East: | A-RE and RS-3 | Seven Oaks addition and large lot single family residential |
| South: | A-1/SP 49 | Church and large lot single family residential |
| West | PUD 135A/R-2 | Undeveloped |

The property is designated as Level 2 in the Comprehensive Plan. RS-3 zoning is considered to be in accordance with the Comprehensive Plan in Level 2.

Attachments: Case maps
Aerial photo
Comprehensive Plan
Ordinance 1257

Recommendation:

Based on the Comprehensive Plan, the location of the property, and surrounding land uses, Staff recommends that BAZ-1984 be approved, subject to the property being platted. The portion of the property that is located outside the 100-year floodplain shall be designated as RS-3, while that which is located inside the 100-year floodplain shall be designated as FD. In addition, Staff recommends that BAZ-1786 be abrogated.

Reviewed By: Larry Curtis

Approved By: Michael W. Skates

BDM